

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KELVIN L. JAMES,
Plaintiff,
v.
ELY STATE PRISON, et al.,
Defendants.

Case No.: 2:25-cv-00502-JAD-DJA

ORDER

9 On March 17, 2025, plaintiff Kelvin James, an inmate in the custody of the Nevada
10 Department of Corrections, submitted an application to proceed *in forma pauperis* and a
11 civil-rights complaint under 42 U.S.C. § 1983. ECF Nos. 1, 1-1. The *in forma pauperis*
12 application is incomplete because Plaintiff failed to provide a financial certificate and an
13 inmate trust fund account statement for the previous six-month period with it. Plaintiff
14 should ensure that he follows the prison's procedures for obtaining his financial
15 documents from prison officials. (See ECF No. 1 at 6). And he must pay the required filing
16 fee or file a complete application to proceed *in forma pauperis* to continue with this action.

17 The fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and
18 the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay
19 the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.”
20 Nev. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit
21 **all three** of the following documents to the Court: (1) a completed **Application to**
22 **Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved
23 form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial**
24 **Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both
25 the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust**
26 **fund account statement for the previous six-month period**. See 28 U.S.C.
27 § 1915(a)(1), (2); Nev. LSR 1-2. *In forma pauperis* status does not relieve an inmate of

1 his or her obligation to pay the filing fee, it just means that the inmate can pay the fee in
2 installments. See 28 U.S.C. § 1915(b).

3 It is therefore ordered that Plaintiff's incomplete application to proceed *in forma*
4 *pauperis* (ECF No. 1) is denied without prejudice.

5 It is further ordered that Plaintiff has **until June 2, 2025**, to either pay the full \$405
6 filing fee or file: (1) a completed application to proceed *in forma pauperis* with the inmate's
7 two signatures on page 3, (2) a completed financial certificate that is signed both by the
8 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
9 statement for the previous six-month period.

10 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
11 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
12 to refile the case with the Court, under a new case number, when Plaintiff can file a
13 complete application to proceed *in forma pauperis* or pay the required filing fee.

14 The Clerk of the Court is directed to send Plaintiff the approved form application to
15 proceed *in forma pauperis* for an inmate with instructions, and to retain the complaint
16 (ECF No. 1-1) but not file it at this time.

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18 DATED: April 1, 2025

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21 DANIEL J. ALBRECHTS
22 UNITED STATES MAGISTRATE JUDGE
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